

**REMARKS**

Claims 1-23 are pending in the application.

Claims 1-23 have been rejected.

Claims 1, 10 and 19 have been amended as set forth herein.

Claims 1-23 remain pending in this application.

Reconsideration of the claims is respectfully requested.

**I. CLAIM REJECTIONS -- 35 U.S.C. § 103**

Claims 1, 3-5, 7, 8, 10, 12-14, 16, 17, 19, 21, and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,654,343 to *Brandis, et al.* (hereinafter “Brandis”) in view of U.S. Patent No. 6,563,837 to *Krishna, et al.* (hereinafter “Krishna”). Claims 2, 11, and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Brandis reference and Krishna reference, further in view of U.S. Patent Publication No. 2004/0179542 to *Murakami, et al.* (hereinafter “Murakami”). Claims 6, 15, and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Brandis reference and Krishna reference, further in view of U.S. Patent No. 6,289,021 to *Hesse*. (hereinafter “Hesse”). Claims 9 and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Brandis reference and Krishna reference, further in view of U.S. Patent Publication No. 2002/0135843 to *Gruia*. (hereinafter “Gruia”). The Applicants respectfully traverse the rejections.

In *ex parte* examination of patent applications, the Patent Office bears the burden of establishing a prima facie case of obviousness. MPEP § 2142, p. 2100-133 (8th ed. rev. 4, October

2005). Absent such a *prima facie* case, the applicant is under no obligation to produce evidence of nonobviousness. *Id.* To establish a *prima facie* case of obviousness, three basic criteria must be met: *Id.* First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. *Id.* Second, there must be a reasonable expectation of success. *Id.* Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *Id.* The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *Id.*

Amended independent Claim 1 recites:

1. A router for interconnecting external devices coupled to said router, said router comprising:  
a switch fabric; and  
a plurality of routing nodes coupled to said switch fabric, wherein each of said plurality of routing nodes comprises packet processing circuitry capable of transmitting data packets to, and receiving data packets from, said external devices and further capable of transmitting data packets to, and receiving data packets from, other ones of said plurality of routing nodes via said switch fabric,  
wherein said switch fabric is capable of detecting that the output bandwidth of a first output of said switch fabric has been exceeded and, in response to said detection, said switch fabric causes a first one of said plurality of routing nodes to slow an input rate of data packets transmitted from said first routing node to a first input of said switch fabric, said data packets having a plurality of priority levels. (*Emphasis added*).

The amendment to Claim 1 is supported in the Specification at least by Figure 3, element 315, and paragraph [048] and, therefore introduces no new matter. The Applicants respectfully submit that the cited references do not describe a router as recited in amended Claim 1.

Brandis describes a system that includes an ingress sending identified flows across a switch fabric to an egress. The egress sends flow control messages to the ingress to control the pace at which the ingress sends the flows of data to the egress. The flow control messages identify a particular flow and specify a new priority level for the specified flow. *See Brandis: col. 2, lines 7-18; col. 5, line 65, through col. 6, line 2.* As such, Brandis, describes a system in which an egress selects a flow whose rate is to be reduced and sends a message to the ingress to lower the priority level of only that flow. As such, Brandis does not describe a switch fabric that causes a routing node to slow an input rate of data packets transmitted the switch fabric, where the data packets have a plurality of priority levels, as recited in amended Claim 1. The Applicants respectfully submit that Krishna does nothing to overcome the shortcomings of Brandis.

For at least these reasons, Claim 1 is patentable over the cited references. Amended independent Claims 10 and 19 recite limitations analogous to the novel and non-obvious limitations emphasized in traversing the rejection of Claim 1 and, therefore, also are patentable over the cited references. The Applicants respectfully submit that Murakami, Hesse, and Gruia do nothing to overcome the shortcomings of Brandis and Krishna. Claims 2-9, 11-18 and 20-23 depend from Claims 1, 10 and 19, respectively, and include all the limitations of their respective base claims. Therefore, Claims 2-9, 11-18 and 20-23 also are patentable over the cited references.

Accordingly, the Applicant respectfully requests that the Examiner withdraw the § 103 rejection with respect to these claims.

**CONCLUSION**

As a result of the foregoing, the Applicant asserts that the remaining Claims in the Application are in condition for allowance, and respectfully requests an early allowance of such Claims.

If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *[jmockler@munckcarter.com](mailto:jmockler@munckcarter.com)*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,  
  
MUNCK CARTER, LLP



John T. Mockler  
Registration No. 39,775

Date: March 30, 2009

P.O. Drawer 800889  
Dallas, Texas 75380  
(972) 628-3600 (main number)  
(972) 628-3616 (fax)  
E-mail: *[jmockler@munckcarter.com](mailto:jmockler@munckcarter.com)*